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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DARRAL ELLIS,

Plaintiff,

v.

HIGH DESERT STATE PRISON, *et al.*,

Defendants.

Case No. 2:19-cv-00454-GMN-EJY

ORDER

I. DISCUSSION

Plaintiff, a pro se prisoner, previously submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) The Court screened that complaint. (ECF No. 14). In its screening order, the Court instructed the Clerk of the Court to file the complaint (ECF No. 1-1), dismissed all the claims, gave Plaintiff leave to amend one of the claims, and informed Plaintiff that, if he chose to file an amended complaint, he must do so within 30 days of the order. (ECF No. 14 at 7-8).

Plaintiff now seeks clarification of that order. (ECF No. 16). Plaintiff notes that the screening order says that the Clerk of the Court will file the complaint and asks if that means that that Clerk of the Court will file the complaint or if Plaintiff still has to file a first amended complaint. (*Id.*)

The screening order instructed the Clerk of the Court to file the original complaint (ECF No. 1-1), and the Clerk of the Court has done so (ECF No. 15). The Clerk of the

1 Court could not possibly file a first amended complaint because there is no first amended
2 complaint. It is Plaintiff who must write the first amended complaint and send it to the
3 Court. The Court instructs Plaintiff to read the Court's screening order. That order clearly
4 informs Plaintiff that, if he wishes to amend his complaint to cure the deficiencies of the
5 original complaint that are outlined in the screening order, "Plaintiff shall file the amended
6 complaint within 30 days from the date of entry of this order." (ECF No. 14 at 8). That
7 screening order also informs Plaintiff that, if he fails to file an amended complaint, his
8 action will be dismissed with prejudice for failure to state a claim. (*Id.*)

9 Because Plaintiff has expressed confusion, the Court will provide one extension of
10 time for Plaintiff to file an amended complaint. If Plaintiff wishes to file an amended
11 complaint curing the deficiencies in his original complaint, he must do so by February 7,
12 2020 or this action will be dismissed with prejudice for failure to state a claim. Plaintiff is
13 urged to read the screening order (ECF No. 14) carefully when deciding whether and how
14 to amend his complaint.

15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS ORDERED that, if Plaintiff chooses to file an
17 amended complaint in this action, he must send the Court his amended complaint by
18 February 7, 2020.

19 IT IS FURTHER ORDERED that, if Plaintiff fails to file an amended complaint by
20 February 7, 2020, this action will be dismissed with prejudice for failure to state a claim.

21 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff a
22 copy of the Court's screening order (ECF No. 14), the approved form for filing a § 1983
23 complaint, and instructions for the same.

24 DATED THIS 8 day of January 2020.

25 
26 UNITED STATES DISTRICT JUDGE
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